

**TAB 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: '318 PATENT INFRINGEMENT )  
LITIGATION ) Civil Action No. 05-356-KAJ  
JANSSEN PHARMACEUTICA N.V., ) (consolidated)  
)

**STIPULATION NOT TO CONTEST INFRINGEMENT**

IT IS HEREBY STIPULATED, CONSENTED, AND AGREED TO by and between the parties hereto as follows:

(1) Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P., and Synaptech, Inc. (collectively, "Plaintiffs") and Defendants Alphapharm Pty Ltd. ("Alphapharm"), Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. (collectively, "Barr"), Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. (collectively, "Dr. Reddy's"), Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc. (collectively, "Mylan"), Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively, "Par"), Purepac Pharmaceutical Co. and Alpharma, Inc. (collectively, "Purepac"), and Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (collectively, "Teva") (collectively, the "Defendants") are parties to this consolidated patent infringement case involving Plaintiffs' U.S. Patent No. 4,663,318 ("the '318 patent").

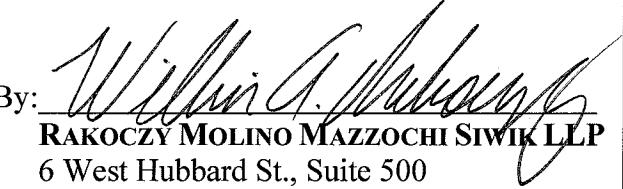
(2) In order to simplify this consolidated action and obtain an earlier trial date, consistent with the Court's statements during the October 12, 2005 status hearing, Defendants agree that they will not contest the issue of whether the commercial use of the drug products described in abbreviated new drug application No. 77-585 (Purepac), No. 77-587 (Teva), No. 77-590 (Mylan), No. 77-593 (Dr. Reddy's), No. 77-603 (Alphapharm), No. 77-604 (Par), and No. 77-605 (Barr) infringe claims 1 and 4 of the

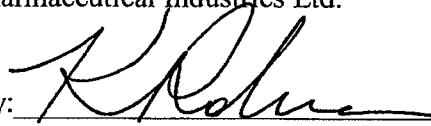
‘318 patent, if valid and enforceable, under 35 U.S.C. § 271(b). Defendants’ agreement not to contest infringement does not limit or otherwise affect each Defendant’s ability to defend against Plaintiffs’ infringement claims on any other ground, including, but not limited to, asserting defenses of invalidity and/or unenforceability of claims 1 and 4 of the ‘318 patent.

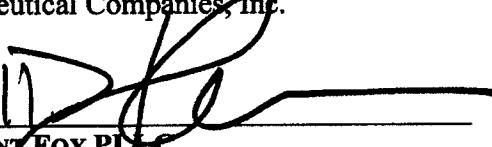
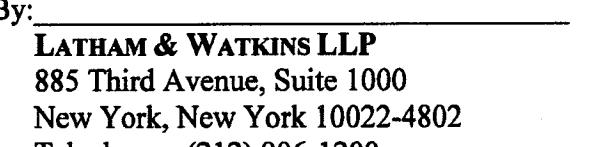
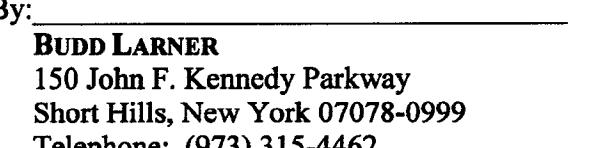
(3) Plaintiffs will not seek discovery from Defendants relating to the issue of infringement of the ‘318 patent.

(4) Plaintiffs will not assert that the commercial manufacture, use, sale, offer for sale, or importation of the drug products described in abbreviated new drug application No. 77-585 (Purepac), No. 77-587 (Teva), No. 77-590 (Mylan), No. 77-593 (Dr. Reddy’s), No. 77-603 (Alphapharm), No. 77-604 (Par), and No. 77-605 (Barr) infringe any claim of the ‘318 patent, other than claims 1 and 4.

(5) Plaintiffs and Defendants reserve all rights to appeal any decision of this Court with respect to the issues of validity and/or enforceability of claims 1 and 4 of the ‘318 patent, and the entry of any such judgment as it pertains to validity and/or enforceability of these claims.

November ___, 2005	<p>Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</p> <p>By: _____</p> <p><b>COVINGTON &amp; BURLING</b>  1201 Pennsylvania Avenue, N.W.  Washington, D.C. 20004-2401  Telephone: (202) 662-6000</p> <p><i>Attorneys for Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</i></p>
November <u>10</u> , 2005	<p>Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc.</p> <p>By:   <b>RAKOCZY MOLINO MAZZOCHI SIWIK LLP</b>  6 West Hubbard St., Suite 500  Chicago, Illinois 60610  Telephone: (312) 527-2157</p> <p><i>Attorneys for Defendants Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc.</i></p>
November ___, 2005	<p>Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</p> <p>By: _____</p> <p><b>KIRKLAND &amp; ELLIS LLP</b>  655 15<sup>th</sup> Street, N.W.  Washington, D.C. 20005-5793  Telephone: (202) 879-5000</p> <p><i>Attorneys for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</i></p>

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November <u>10</u> , 2005	<p>Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</p> <p>By: </p> <p><b>KIRKLAND &amp; ELLIS LLP</b>  655 15<sup>th</sup> Street, N.W.  Washington, D.C. 20005-5793  Telephone: (202) 879-5000</p> <p><i>Attorneys for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</i></p>

November <u>10</u> , 2005	Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. By:  <b>AREN'T FOX PLLC</b> 1050 Connecticut Ave., N.W. Washington, D.C. 20036-5339 Telephone: (202) 857-6000  <i>Attorneys for Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.</i>
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November ___, 2005	Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. By:  <b>BUDD LARNER</b> 150 John F. Kennedy Parkway Short Hills, New York 07078-0999 Telephone: (973) 315-4462  <i>Attorneys for Defendants Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.</i>

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November <u>10</u> , 2005	<p>Purepac Pharmaceutical Co. and Alpharma, Inc.</p> <p>By: <u>James P. Danbar</u></p> <p><b>LATHAM &amp; WATKINS LLP</b> 885 Third Avenue, Suite 1000 New York, New York 10022-4802 Telephone: (212) 906-1200</p> <p><i>Attorneys for Defendants Purepac Pharmaceutical Co. and Alpharma, Inc.</i></p>
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November ___, 2005	Alphapharm Pty Ltd.  By: <b>CAESAR, RIVISE, BERNSTEIN, COHEN &amp; POKOTILOW, LTD.</b> 1635 Market Street, 11 <sup>th</sup> Floor Philadelphia, Pennsylvania 19103-2212 Telephone: (215) 567-2010  <i>Attorneys for Defendant Alphapharm Pty Ltd.</i>

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November <u>10</u> , 2005	<p>Alphapharm Pty Ltd.</p> <p>By: <u>Mona Gupta</u></p> <p><b>CAESAR, RIVISE, BERNSTEIN, COHEN &amp; POKOTILOW, LTD.</b> 1635 Market Street, 11<sup>th</sup> Floor Philadelphia, Pennsylvania 19103-2212 Telephone: (215) 567-2010</p> <p><i>Attorneys for Defendant Alphapharm Pty Ltd.</i></p>